IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

RFA.No. 256 of 2003()

OS.80/2000 of PRINCIPAL SUB COURT,ATTINGAL
.....

: APPELLANT/DEFENDANT

V.S.AJI S/O. SUDHAKARAN, AGED 34 YEARS,
KIZHAKKE PALACHEL VEEDU, KADAKKAVOOR VILLAGE,
CHIRAYINKEEZH TALUK.

BY ADV. SRI.R.S.KALKURA

RESPONDENTS: PLAINTIFF

C.S.SREEKUMAR S/O. CHAKRAPANI K.,
AGED 38 YEARS, SARASWATHY VILASOM, BEHIND
K.S.R.T.C. GUARAGE, EAST JUNCTION,
TRIVANDRUM DISTRICT.

BY ADV. SRI.T.H.ABDUL AZEEZ

THIS REGULAR FIRST APPEAL HAVING BEEN FINALLY HEARD ON 10/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN, JJ.

R.F.A.No.256 of 2003

Dated 10th April, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal at the instance of the defendant in O.S.80/2000 on the file of the Subordinate Judges Court, Attingal. When the appeal came up for hearing on 1.3.2007, this Court passed the following order :-

> "It is submitted that a reasonable settlement is being arrived at by the parties. As per the settlement, the appellant will give an amount of Rs.2,60,000/- within thirty days from today and the balance of the amount within another thirty days. Post on 3.4.2007 for further orders. Parties need not be present on that day."

Learned counsel for the respondent submits that though maximum indulgence was shown, so far only an amount of Rs.1,00,000/- (Rupees one lakh) is paid by the appellant. However, it is submitted that in view of the submission that the balance can be paid before 23.5.2007, the respondent has no objection in disposing of the appeal, as settled in terms of the above order. Accordingly, the appeal is disposed of permitting the appellant to pay the balance decree amount on or before 23.5.2007. In view of the settlement as above, the appellant will

be entitled to refund one half of the court fee paid in the memorandum of appeal.

I.A.1523/2003 : Dismissed.

KURIAN JOSEPH, JUDGE.

K.T.SANKARAN, JUDGE.

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KURIAN JOSEPH & K.T.SANKARAN, JJ

L.A.A. NO. OF 2004

J U D G M E N T

Dated 8th March, 2007.

KURIAN JOSEPH & K.T.SANKARAN, JJ.

L.A.A.No. of 2003

Dated 21st March, 2007.

J U D G M E N T

Kurian Joseph, J.

KURIAN JOSEPH, JUDGE.

K.T.SANKARAN, JUDGE.

tgs

KURIAN JOSEPH & K.T.SANKARAN, JJ

L.A.A. NO. OF 2004

J U D G M E N T

Dated 10th April, 2007.